

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**IN THE MATTER OF IPUC RESPONSE TO FCC)****ORDER ON REVIEW OF SECTION 251)****UNBUNDLING OBLIGATIONS OF)****INCUMBENT LOCAL EXCHANGE CARRIERS)****(CC DOCKET NO. 01-338).)****CASE NO. GNR-T-03-23****NINE-MONTH REVIEW OF ECONOMIC AND)****OPERATIONAL IMPAIRMENT REGARDING)****ACCESS TO SPECIFIC UNES.)****ORDER NO. 29406**

The Commission opened this case in response to the Federal Communications Commission's Triennial Review Order. Relevant to this case, the FCC found "on a national basis, that competing carriers are impaired without access to unbundled local circuit switching for mass market customers," but also recognized that "a more granular analysis may reveal that a particular market is not subject to impairment in the absence of unbundled local circuit switching." FCC Triennial Review Order ¶¶ 459, 460. The FCC allowed state commissions nine months to complete a more granular review to determine whether incumbent local exchange carriers would be required to continue to provide local circuit switching as an unbundled network element for competitors to serve residential and small business customers. Verizon Northwest, Inc. and Qwest Corporation are the ILECs in Idaho affected by the FCC's order regarding access to unbundled local circuit switching.

Verizon notified the Commission by letter dated November 14, 2003, that "it will not challenge at this time the FCC's presumption of impairment of unbundled mass market switching, dedicated transport, or unbundled enterprise market loops." The Commission proceeded with this case to provide Qwest an opportunity to present evidence to refute the finding made by the FCC. On December 11, 2003, Qwest filed a Motion to Postpone Mass Market Switching case and Close Docket. Qwest's Motion states that, by filing the Motion, "Qwest has decided not to seek relief at this time from its current obligation to provide unbundled switching for mass market customers in Idaho." Qwest asked the Commission to issue an Order to "close this docket or, alternatively, that the Commission defer indefinitely any action herein."

By letter dated December 16, 2003, the Staff notified all parties of record and interested parties of Qwest's Motion, and that the Commission's Rules of Procedure provide an opportunity to respond to a Motion no later than 14 days after it is filed. No one filed an objection to Qwest's Motion or otherwise responded to Qwest's Motion to Dismiss the Case.

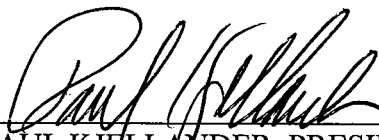
Because both Verizon and Qwest have stated they will not challenge the FCC's finding of impairment regarding access to unbundled local circuit switching for mass market customers, the Commission approves Qwest's Motion, and issues this Order to close this case. Should any other issues arise from the FCC's Triennial Review Order, Staff or other interested parties can request the Commission open a new docket regarding those issues.

ORDER

IT IS HEREBY ORDERED that the Motion filed by Qwest Corporation, asking that this case be closed, is approved, and this case is hereby closed. As a result, it is not necessary for any person to respond to any outstanding discovery request, and all outstanding subpoenas are hereby quashed.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. GNR-T-03-23 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. GNR-T-03-23. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

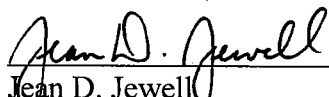
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 31st
day of December 2003.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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